The Grant County Fiscal Court met in Regular Session on Monday, October 04, 2004, at 7:00 P.M. at the Grant County Courthouse in Williamstown, Kentucky 41097, with Richard Austin, Magistrate 1st District, Present; Patricia Conrad, Magistrate 2nd District, Present; Kenny Messer, Magistrate 3rd District, Present, and Hon. Darrell Link, County Judge/Executive, Present and Presiding.

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Magistrate Austin opened in prayer. Judge Link then led in the Pledge of Allegiance. Those present were: Clark Kinman-Cable T.V., and Chalmer Williams. Senator Damon Thayer and Commissioner Bill Nighbert with the Kentucky Department of Transportation came in during the meeting. Judge Link updated that the County Treasurer's Quarterly Financial Report for Fiscal Year ending June 30, 2004, would be deleted from the Agenda until the next meeting since he was out at the Cleveland Clinic with his wife who was having heart surgery today. He then stated that everything went well and they repaired the hole in her heart, and after being checked out by the doctors on Tuesday, she should be able to come home if everything looked good and Layne would be back to work.

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Motion of Richard Austin and seconded by Kenny Messer it is hereby ordered to approve the minutes of the September 20, 2004, meeting as presented

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link welcomed all guests and asked if anyone wanted to address the Court at this time. Chalmer Williams presented a Plat for Kendrick Drive that had been approved by the Planning & Zoning Administrator Kline Shipp and stated that Mr. Britt, the present Zoning Administrator, says it is no good and he can't accept it and he would like to know why if it has been accepted it can't be approved. It has already been approved by Planning and Zoning, but he won't approve it now, and he asked "How does he change the rules as he goes along?" The plans were presented

to Magistrate Messer and the By Laws which were reviewed. Mr. Messer asked him if he had gotten an explanation as to why they couldn't be approved. Mr. Williams commented he has a couple of explanations but stated "You don't want to hear them. Let me tell you people something, your Administrator, Jonathan Britt, told me I couldn't live where I live, and I asked him, what are you fooling with, Son? He's a young fellow but he told me I couldn't live where I live. He said I would probably be getting a letter stating that I will have to move, and I said to him, Well, you will probably be getting something too if I have to move." Judge Link asked him if he lived at one of the homes on the plat, and he said "No, that is altogether different. It has been approved by Kline Shipp, signed off on by Planning and Zoning. He has no problems with it but you just don't change horses in the middle of the stream". Some discussion was held on the areas on the plat. Mr. Williams said that every one of them has got different tax bills. He said that they want a school bus and want the mail to go out there. Mail will go without any problem. Mr. Britt says they won't approve this. Mr. Williams again said that they are taxpayers and gets tax bills on every one of them, and they just want to know why. Magistrate Austin asked if it was ever approved. Mr. Williams said it has been approved and Kline Shipp signed off on it and it is recorded in the County Clerks Office. He also had the regulations if the Court wanted to read them. Magistrate Messer suggested that what might be missing since it has an easement in the deed is this may not have been officially dedicated. Judge Link told him the last time he was here and spoke to the Magistrates that Magistrate Messer, his Magistrate, asked him to get on the Planning and Zoning's Agenda...Mr. Williams interrupted and said he did. Judge Link asked him if he went to the Commission and he said "Yes sir, I went to Planning and Zoning and they said that won't work, we are not going to accept it, and he said, "Well, so well." Judge Link stated "I am sorry, maybe we are still not communicating, you went to the Planning and Zoning meeting or you went to .. and Mr. Williams interrupted and said "No, I went to the Planning and Zoning Administrator." Judge Link said "So you did not do as Magistrate Messer suggested, and said that he was going to suggest, because it is very difficult for the Court to assist unless they

have all the information, that he ask Mr. Britt to come to the next Caucus meeting along with Mr. Williams to see if they can help facilitate communication so that they could understand what all the issues are and then maybe the Court can better advise him on what needs to be done next. Again Mr. Williams said that Mr. Britt told him he would probably be getting a letter that he would have to move from where he lives, and said "Now when you move somebody from where they live, you are.. and he said "I don't know how to express myself, but you are asking for trouble. When they tell me I got to move and I can't live where I live and I have lived there for six or seven years, and he says because of this you can't live there, I said "You know what, son, you know this is....." Magistrate Messer interrupted him and questioned where he lived. He said he lives on 5 acres that is zoned Highway Commercial, and Mr. Britt says he can't live on Highway Commercial. Mr. Williams said "it was zoned Highway Commercial, they lived on it then and they still live on it, and I still live on it and this is what the man told him. He said that he has told you people (the Court) before that I asked questions and I have no use for Planning and Zoning and that man because he is telling me something....he is fooling with dynamite. I am a mountain country boy and don't give up much very easy. He is zoned Highway Commercial because it was zoned for a body shop. He lived there and done body work there. Mr. Williams said he bought it and he lives there, so he can't figure out what the deal is and he can't either. He told the Court that they had a guy that was the Administrator and he didn't know "didley" about anything and you are going to have to teach him or either get rid of him or something else, and if you don't the people, with him talking out in the community, the people are going to, and they are going to get rid of a whole lot more if things don't change. Magistrate Messer stated that as Judge Link suggested it would be better to sit down and talk about it privately, not publicly, and that he might be surprised that if this document were presented to the actual Commission and let them review it again thru the Commission, he thinks Mr. Williams might be surprised. Magistrate Messer said it appears that it is in order. Mr. Williams agreed and

said it was signed by Kline Shipp and is in order. Magistrate Messer said that Mr. Britt is the Administrator and works for the Commission. Mr. Williams said he also works for Fiscal Court and they have the last say. Mr. Williams said "If you won't change with Jonathan Britt, he is looking for trouble, not only from me, but he is hearing it from everybody". Judge Link stated that he did not feel Mr. Britt was looking for trouble, but feels that Mr. Britt was trying to apply the rules, and told Mr. Williams "You may very well not like the rules, we understand that, but he is trying to be very fair". Mr. Williams said "No, I like the rules, but Kline Shipp was Administrator in charge of Planning and Zoning and he signed off on this, and Mr. Britt says "We won't accept it. Well, if you are Judge/Executive and you sign something and another man comes along and says we won't accept it, then what do you do?" Magistrate Messer replied "After seeing that there is a legitimate easement there in that document and the fact that the 40 ft. easement is there, it certainly gives you an upper hand". Mr. Williams said this was put in the Specs. Magistrate Messer agreed that it is an easement, the only thing he sees missing is the possibility of a road dedication, and that can be done very easily. Mr. Williams replied "You have one, two, three, four, six people here and they pay county taxes and they pay everything else; they are entitled to a school bus". Magistrate Messer, looking at the plat, asked which ones were not and Mr. Williams said the first three, they are duplexes, and went on to say, they are entitled because they pay their taxes. Again he commented to Magistrate Messer when questioned about the plat, "but there is something there that dead ends, but he said they would make a provision for the school bus turnaround. However, Magistrate Messer stated "Let's get the road problems straightened out first". Mr. Williams said the road had been put into county specs and everything. He was told that he had to have nine inches of asphalt and all this on there and said, Well what are you talking about? He said that he didn't understand all of this. Magistrate Messer said he did not think anyone would know how that was originally done. Mr. Williams said that when those kids were killed, they closed that crossing. Then that gave them the legal right of way to come thru here from Bingham's Trailer Court and it is a public road.

Magistrate Conrad said "No it is not a public road". Mr. Williams said you could not stop nobody from using it. She again stated "I don't believe so. That was never a public road as far as I know". Mr. Williams said "you could not stop anyone from going in there". She said she is just saying it was not a public road. She knows they built those houses, but she is not saying there was a road when they built those houses. Mr. Williams said that where he lives there is a public driveway. I can stop you from turning, but I can't stop people from coming in here on this road. Other people live here and I can't do that. Magistrate Messer commented "Probably, the proper term is "Public right of way". Mr. Williams said they have a right of way, 40 feet, but he said we can't accept that. It has to be 50 feet. He said it was accepted before and signed off on. What is the problem? This is all he is asking. Magistrate Messer recommended that he bring the document to the next Caucus meeting to be held on Monday at 5:30 PM, and if Jonathan Britt can not be there he would be notified. Mr. Williams stated that when he walks in and asks somebody something, he likes for them to answer Yes or No. Magistrate Messer stated that he could not give legal advice, but stated it might not hurt if you have an Opinion in terms of doing justice on those plats by a survey. Mr. Williams said he does not want to hire an attorney. It says plainly in the books at the Courthouse door that after ninety (90) days once a subdivision is put in, it may be accepted, the county takes over the road. It is just that simple. Either you do or you don't. Magistrate Messer said that there may be something about that road that none of us know about and that when it was put in by the owner that they considered that a private road and for some reason, they considered it a private road. Mr. Williams replied "At one time it was, until those kids were killed, then they changed it, and they had a lawsuit over it for Bingham to get in thru there.". Magistrate Messer commented "Yes, they had been thru that, but they would talk about it". Judge Link stated he would invite Mr. Britt to the Caucus meeting. He could not make him come as he does not work for us. Mr. Williams asked who he worked for, and Judge Link informed him he worked for the Planning Commission. Mr. Williams asked who the Court

worked for and Judge Link replied "the public". Mr. Williams said "You work for the people of Grant County. When we have a problem that we need to resolve you can tell him to be here." Judge Link again informed Mr. Williams that the Court would invite Mr. Britt to attend the next Caucus meeting on October 11th at 5:30 P.M. to discuss this further but that he could not make him attend. He also invited Mr. Williams to attend that meeting. Magistrate Messer again told Mr. Williams to ask someone who does surveying to look his information over for an opinion also. Judge Link told Mr. Williams he would be notified if Mr. Britt could not attend the Caucus meeting.

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At this time Senator Damon Thayer was present along with Commissioner Bill Nighbert with the Kentucky Department of Transportation to make a presentation to the Court. Senator Thayer thanked the Court for letting them attend the meeting. He updated on a letter and Resolution that the Court had sent to him requesting assistance for funding for resurfacing several roads in District 3 in Grant County. He stated that he had worked with Governor Ernie Fletcher on this and is happy to announce that the Department of Transportation has assigned \$150,000.00 to be applied towards the resurfacing of roads in District 3 to help improve the quality of roads in Grant County. He then presented a gigantic check made to "Grant County" for the amount of \$150,000.00 to be applied towards roads. He then introduced Bill Nighbert Commissioner of Intergovernmental Programs who gave an update on Road Programs and the needs of funding for them. He stated that Governor Ernie Fletcher and Senator Thayer worked together on the county's request and were able to provide 100% funding of their project. He also stated that they are in the process of placing three people to be a liaison between them and Grant County and hoped to have them in place by October 15th. He announced that they had also attended the Williamstown City Council meeting tonight and had presented them with a check for \$40,000.00 for one of their projects, and while they were there had discussed the widening and repairing of Barnes Road in order to make it safer for the citizens of Grant County. He stated that they had orally committed \$15,000.00 for this project. Judge Link commented that if there are pools of

money he is asking for more funds. He then presented a copy of the Resolution that had been sent to Senator Thayer earlier for a blue print to work on for future funding. He stated that ten of the roads were in Magistrate Messer's District 3, but that some were in Magistrate Austin's 1st District. Judge Link made some further comments and thanked both men for their assistance. Commissioner Nighbert stated that a MOA (Memorandum of Agreement) would be sent so the County could bid this out and get it going before winter, and promised more money in the Spring. Senator Thayer stated that Grant County was awarded the most money for their road projects out of all four of the counties in his district. He stated that is because Judge Link is very proactive and works progressively for the county. They also announced that there is \$750,000.00 in the Six Year Road Plan for the new Veterans Cemetery in Grant County.

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Judge Link presented for review and approval the Claims and transfers in the General Expense Fund, Road Fund, and Jail Fund for the month of October, 2004, along with the transfers needed to pay said claims. He asked if there were any questions about them. Magistrate Conrad asked about the Courthouse Roof Repairs in the General Fund, and the bill from Mid Valley Supply in the Road Fund. Judge Link gave an update on both Claims. Magistrate Messer asked about the roof at the Detention Center and Judge Link informed him that he had an appointment tomorrow with the same company who did the Courthouse roof and should have more information at the next Caucus meeting.

Motion of Patricia Conrad and seconded by Kenny Messer it is hereby ordered to approve Claims No. 01-0314 thru 01-0354 in the amount of \$52,733.89 paid out of the General Expense Fund; Claims No. 02-0130 thru 02-0147 in the amount of \$19,906.91 paid out of the Road Fund, and Claims No. 03-1277 thru 03-1279 in the amount of \$13,389.57 paid out of the Jail Fund for the month of October, 2004, along with the transfers to pay said claims, as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link presented the Building Inspector's Report for September. No action is required. It is as follows: He stated that the Building Inspector does a good job with very little complaint. He also presented the Road Supervisor's Report for September. It is as follows: Most of the work was done in the first and second District which is now completed, and they are working in the third District. He stated that the Blair Road work should be done next week.

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Judge Link presented for second reading Ordinance No. 36-2004-552 relating to the Establishment of a 20 MPH Speed Limit on Latimer Lane, along with the Notice to run in the local paper showing adoption, if approved. It is as follows:

Motion of Richard Austin and seconded by Patricia Conrad it is hereby ordered to approve the second reading and adoption of Ordinance No. 36-2004-552 relating to the Establishment of a 20 MPH Speed Limit on Latimer Lane, along with the Notice to run in the local paper showing adoption as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

Judge Link presented for second reading Ordinance No. 37-2004-553 relating to the Establishment of a 20 MPH Speed Limit on White Chapel Road, along with the Notice to run in the local paper showing adoption, if approved. It is as follows:

Motion of Patricia Conrad and seconded by Richard Austin it is hereby ordered to approve the second reading and adoption of Ordinance No. 37-2004-553 relating to the Establishment of a 20 MPH Speed Limit on White Chapel Road, along with the Notice to run in the local paper showing adoption as presented.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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Judge Link gave the Magistrates a copy of the Resolution that had been given to Senator Thayer.

He read off the names on the Resolution and stated that he will continue to work with everyone in order to obtain more funds for the county.

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Judge Link reminded Fiscal Court that the next Caucus meeting will be on Monday, October 11, 2004, at 5:30 P.M. and that the next meeting of the Fiscal Court will be on Monday, October 18, 2004, at 7:00 P.M.

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Motion of Richard Austin and seconded by Kenny Messer it is hereby ordered to Adjourn until Monday, October 18, 2004, at 7:00 P.M.

The following votes were taken: Richard Austin, Magistrate 1st District, votes Yes; Patricia Conrad, Magistrate 2nd District, votes Yes; Kenny Messer, Magistrate 3rd District, votes Yes; and Hon. Darrell Link, County Judge/Executive, votes Yes.

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GRANT COUNTY JUDGE/EXECUTIVE